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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91203660
Party	Defendant Rare Breed Motorcycle Club, Inc.
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Submission	Answer
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Date	04/13/2012
Attachments	ANSWER -- rare breed mc - CAH-MI edited 4.12.12.pdf (4 pages)(75775 bytes)

ANSWER TO NOTICE OF OPPOSITION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD

Rare Breed M.C. Inc. v. Rare Breed

Opposition No. 91203660

ANSWER

The following is the Answer of Applicant Rare Breed ("Applicant"), owner of Federal Trademark Application Serial No. 85233716 for the mark RARE BREED ("Applicant's Mark"), by and through Counsel, George L. Steele, to the Notice of Opposition filed on February 3, 2012 by Rare Breed M.C. Inc. ("Opposer").

1. Admitted.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.
3. Denied.

4. Denied.

5. Denied.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.

7. Admitted.

8. Denied.

9. Admitted.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Admitted.

17. Admitted to the extent that the records of the U.S. Patent and Trademark Office and Trademark Trial and Appeal Board substantiate the facts claimed.

18. Admitted.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

- 24. Denied.
- 25. Denied.
- 26. Denied.
- 27. Denied.
- 28. Denied.
- 29. Denied.
- 30. Denied.
- 31. Denied.
- 32. Denied.
- 33. Denied.

Furthermore, Applicant sets for the following in support of its defense:

- 1. Applicant has continuously used a mark that is legally similar to Applicant's Mark beginning, at the latest, on or about August of 1989 and has not abandoned use of the mark.
- 2. Opposer's claims are barred by the doctrine of unclean hand because Opposer requested, aided, abetted or assisted in the theft of the website www.rarebreedmc.com from Applicant.
- 3. Opposer's claims are fraudulent because Opposer is aware that it has no lawful right to the use of the Rare Breed mark and no lawful right to membership in Rare Breed which would entitle it to use of Applicant's collective membership mark or any legally similar mark.

WHEREFORE, Applicant prays that the Trademark Trial and Appeal Board deny the Opposition and permit registration of the Applicant's proposed mark in Application Serial Number 85233716 in the United States Patent and Trademark Office.

Dated: April __, 2012

_____/s/_____

GEORGE L. STEELE
Attorney for Defendant
RARE BREED